

STATE OF UTAH  
COUNTY OF WEBER } ss.I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE.DATED THIS 21<sup>ST</sup> DAY OF March 20, 25

CLERK OF THE COURT

BY Marketa Heslop

DEPUTY



Tax ID No. 20-119-0007

IN THE SECOND DISTRICT COURT IN AND FOR  
WEBER COUNTY, STATE OF UTAHMOLLY J. MULLIGAN; and  
JOHN P. MULLIGAN,

Plaintiffs

v.

ALUM ROCK RIVERSIDE, LLC, a  
California limited liability company; Brett H.  
Del Valle and Traci M. Del Valle as  
Co-Trustees of the Del Valle Family Trust  
dated October 30, 2002

Defendants.

ORDER AND PRELIMINARY  
INJUNCTION

Case No. 240908957

Judge Noel S. Hyde

The request of Plaintiffs Molly J. Mulligan and John P. Mulligan (collectively, “**Plaintiffs**” or “**Mulligans**”) for issuance of a preliminary injunction that was included in and part of the Mulligans’ *Ex-Parte Motion of Plaintiffs for Issuance of a Temporary Restraining Order and Preliminary Injunction* (the “**Preliminary Injunction Motion**”) filed on December 23, 2024 came on for hearing before the above-named court, the Honorable Judge Noel S. Hyde presiding, at 10:00 a.m. on January 14, 2025 (the “**Hearing**”). Mulligans were represented at the Hearing by Bradley L. Tilt, of Freeman Lovell, PLLC. Defendant Alum Rock Riverside, LLC (“**Defendant**” or “**Alum Rock**”) was represented at the Hearing by Benjamin D. Johnson, of Bennett, Tueller, Johnson & Deere.

The court having reviewed Mulligans' Preliminary Injunction Motion and the *Declaration of Felicia B. Canfield* in support, and all exhibits thereto, that was filed concurrently with the Preliminary Injunction Motion, having reviewed the *Objection to Order Granting Ex Parte Motion for Issuance of a Temporary Restraining Order and Preliminary Injunction* filed by Alum Rock on December 26, 2024, and the Alum Rock's further *Opposition to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction* filed on January 10, 2025, and the exhibits thereto (collectively, "**Alum Rock's Oppositions**"), having further heard the testimony provided at the Hearing, and reviewed Exhibit 1 tabs 1 through 15 which all were presented at and admitted into evidence during the Hearing, having reviewed all other applicable pleadings and papers on file herein, and the court having heard the oral argument of the Mulligans' and of Alum Rock's respective legal counsel of record presented during the Hearing, the court being duly informed in the premises, and for good cause shown, and the court having issued its ruling orally from the bench at the conclusion of the Hearing, it is hereby

**ORDERED, ADJUDGED, AND DECREED as follows:**

1. Plaintiffs' Preliminary Injunction Motion is granted.
2. Alum Rock, and anyone acting by, with, or through Alum Rock, is **HEREBY ENJOINED** from continuing with, allowing, and/or holding, and is **ORDERED TO CANCEL** the Sheriff's Sale scheduled for January 16, 2025, at 12:00 p.m. and/or for January 21, at 12:00 p.m., and/or any other Sheriff's Sale that may presently be scheduled pursuant the *Notice of Judgment* filed on October 23, 2020, in the Third Judicial District Court, Salt Lake County, Civil No. 206927043,

which Notice was recorded in the office and general records of the Weber County Recorder on October 23, 2020, as Entry No. 3101770 (the “**Alum Rock Lien**”) and/or to the *Writ of Execution* issued on June 22, 2021, in the writ proceeding in that above-referenced Civil No. 206927043 (the “**Writ of Execution**”), on or affecting the real property located in Weber County, Utah, commonly known as 1453 South Basinview Road, Huntsville, UT 84317, more particularly described as follows (the “**Property**”):

Lot 7, BASINVIEW ESTATES CLUSTER SUBDIVISION 1ST AMENDMENT, according to the official plat thereof on file and of record in the office of the Weber County Recorder.

Together with a right of use for an easement for ingress and egress over and across Basinview Road (a private road), as shown on the official dedicated plat, to and from said Lot to a physically open and legally dedicated public street.

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3. Defendant Alum Rock is further **RESTRAINED** from and **ORDERED** to immediately **CEASE** any and all efforts to foreclose on and/or sell the Property pursuant to the Alum Rock Lien or the Writ of Execution pending further order of this court.

4. Further proceedings must be held in order to determine the extent and nature of the present or former interests of Brett De Valle and Traci De Valle in the Property for a determination of what creditors may reach under Utah Code Ann. Section 75-7-505(1). The Second Judicial District Court in and for Weber County is

the proper venue for such determination under Utah law, as the Property is located in Weber County, Utah.

5. The Utah Supreme Court's prior determination that Alum Rock has a judgment lien on the Property, and all other matters previously adjudicated and determined by the Utah Supreme Court, cannot be challenged in this action, and are binding upon this court.

6. **NO BOND** or other security is required for the issuance of this preliminary injunction.

7. Copies of this **ORDER AND PRELIMINARY INJUNCTION** may be recorded in the office of the Weber County Recorder in the State of Utah.

The GROUNDS for this *Order and Preliminary Injunction* are as follows:

Plaintiffs Molly J. Mulligan and John P. Mulligan (collectively "**Mulligans**" or "**Plaintiffs**") acquired their present interest in the Property pursuant to a *Warranty Deed* that was recorded on May 11, 2021 as Entry No. 3151874 in the official records of the Weber County Recorder's office (the "**Warranty Deed**").

Plaintiffs have demonstrated, based on the material facts and the applicable statutory and case law, that they meet each of the four Rule 65A elements necessary to obtain a preliminary injunction as stated hereinabove. Plaintiffs have demonstrated that: (1) there is a substantial likelihood that Plaintiffs will prevail on the merits of their underlying claims; (2) Plaintiffs will suffer irreparable harm by the loss of their Property, which Utah law recognizes to be unique and

irreplaceable, unless this court issues a preliminary injunction as stated hereinabove; (3) the threatened injury to Plaintiffs outweighs whatever damage the preliminary injunction may cause Defendant Alum Rock; and (4) this court's issuance of the preliminary injunction stated hereinabove benefits the public interest and is not adverse to it.

Defendant did not prove at the hearing any potential loss of value of the Property nor of any damages that Defendant might incur, and/or in what amount, that would necessitate any bond or other security to be posted for this preliminary injunction.

Notwithstanding the foregoing, and without limitation of any kind upon any of the foregoing, the court further states and clarifies that its oral ruling from the bench during the Hearing, and its above-stated written order, are not final or dispositive of the merits of any of the parties' underlying claims and/or defenses herein. The court's oral ruling from the bench at the Hearing, and this above-captioned order, are exclusively and only on and for the preliminary injunction as stated hereinabove, and nothing more.

**\*\*END OF ORDER – entered when indicated by the Court's seal at the top of first page\*\***